

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 319 OF 2026**

Asad Khan Jamshed Ali Khan @
 Jaheed @ Kaka @ Mohammed @ Aadil
 Age : 47 years, Occupation : Business &
 Real Estate Agent,
 R/o. : Tawakkal Nagar, Naigaon,
 Aurangabad / Chatrapati Sambhaji Nagar ... Appellant
 (Presently lodged in Arthur Road Central Prison (Orig. Accused as
 U.T.P.) No. 1)

V/s.

The State of Maharashtra .. Respondent
 (At the instance of I.O. A.C.P, ATS, Mumbai) (Orig. Complainant)

Mr. Mihir Desai, Senior Advocate a/w. Mr. Sumit Gadling, Ms. Harshali Potdar, Ms. Roshani Naeem Khan and Mr. Alure Mohd. Kasim, for the Appellant.

Smt. Prajakta P. Shinde , APP, for the Respondent-State.
 ACP Anil Shewale, ATS, Pune.

**CORAM : A. S. GADKARI AND
 KAMAL KHATA, JJ.**

DATE : 16th April, 2026.

JUDGMENT (Per A.S. Gadkari, J.) :-

1) This is an Appeal under Section 21(4) of National Investigation Agency Act, 2008 (for short, "NIA Act") by the Original Accused No.4, impugning the Order dated 14th August, 2025, passed below Exh-686, in MCOC Special Case No.7 of 2013, rejecting his application for bail, under Section 439 of Code of Criminal Procedure, 1973.

- 1.1) Appellant is original Accused No. 1 in the said MCOC Special Case No. 7 of 2013, which is culmination of investigation of C.R. No.9 of 2012, by the ATS Police Station, Mumbai (originally registered as C.R. No.168 of 2012 with Deccan Police Station Pune), for the offences punishable under Sections 307, 435 and 120-B of the Indian Penal Code, (IPC) read with Sections 3, 4 and 5 of the Explosive Substances Act, read with Sections 3, 25 of the Arms Act, read with Sections 16(1) (b), 18, 20, 23, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967 Amendment 2008, read with Sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).
- 2) Heard Mr. Desai, learned senior Advocate for the Appellant and Smt. Shinde, learned APP for the Respondent-State. Perused record.
- 3) It is an admitted fact on record that, the Appellant is arrested on 20th December, 2012 in the present crime and is behind the bars for last more than 13 years and 3 months and 26 days. Record indicates that, the charge against the Appellant has been framed on 23rd December, 2022. The prosecution has submitted a list of more than 316 witnesses in support of its case. That, as of today the prosecution has examined 17 witnesses and about 299 witnesses are yet to be examined.
- 4) The co-accused, Munib Iqbal Memon (Org. Accused No.5),

Farooq Shaukat Bagwan (Org. Accused No.6) and Imran Khan Wajid Khan Pathan (Org. Accused No. 2) have been directed to be released on bail by the Judgments dated 20th September, 2024, 9th September, 2025 and 13th February, 2026 respectively, predominantly on the ground of prolonged incarceration without trial. The reasons for their release on bail have been elaborately stated in their respective Judgments and its repetition is avoided for the sake of brevity.

5) Perusal of record further clearly indicates that, the Appellant is similarly situated as Farooq Shaukat Bagwan (A. No. 6) and Munib Iqbal Memon (A.No.5) and Imran Khan Wajid Khan Pathan (A. No. 2) on the point of prolonged incarceration without trial and therefore he is entitled to claim parity with the said three accused.

6) In view thereof, the Appellant is entitled to be released on bail during the pendency of his trial.

Hence, the following Order:-

(i) The impugned Order dated 9th October, 2025, passed by the learned Special Judge under MCOC Act, City Civil and Sessions Court, Greater Mumbai below Exhibit-686 in MCOC Special Case No.7 of 2013, is quashed and set aside.

(ii) Appellant be enlarged on bail, on his executing PR bond in the sum of Rs.1,00,000/- with one or more solvent local sureties in the like amount, to the satisfaction of the learned Judge, NIA Court.

- (iii) After his release from jail, Appellant shall report to the office of the ATS, Mumbai (Respondent), on the first Saturday of every month from 10.00 a.m. to 12.00 noon, till the conclusion of the trial.
- (iv) Appellant shall not, either himself or through any other person, tamper with the prosecution evidence and give threats or inducement to any of the prosecution witnesses.
- (v) Appellant shall not leave the jurisdiction of districts Mumbai and Pune till the conclusion of the trial, without the prior permission of the NIA Court i.e. the trial Court.
- (vi) Appellant shall surrender his passport, if any, before the NIA Court, before his actual release from jail.
- (vii) Appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Agency i.e. the Respondent herein.
- (viii) Appellant to co-operate in conducting the trial of present case and attend the trial Court on all dates, unless specifically exempted.
- (ix) Appellant shall file an undertaking with regard to clauses (iii) to (viii) before the trial Court, within two weeks of his release.

(x) If there is breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of the Appellant's bail.

7) Appeal is allowed in the aforesaid terms.

8) It is made clear that, the observations made herein are *prima facie* and the learned Special Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this judgment.

9) All concerned to act on an authenticated copy of this Judgment.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)